

REMARKS

Applicant has carefully considered the rejections made in the non-final Office Action mailed July 30, 2009 (the "Office Action"). Claims 8, 21, and 24 have been amended, and support for these amendments can be found at least in paragraphs [0031], [0036] – [0038], and [0045] of the published subject application.

The amendments moot the prior rejections and overcome the prior art of record. There are two reasons why Weinstein does not make up for the deficiencies of Terrier and Shattil. First, Weinstein uses something other than an electromagnetic characteristic of a single radio-electrical signal received directly from the remote control for its comparisons. Second, Weinstein does not determine a transmission zone from a ratio or difference based on first and second electromagnetic characteristics.

For at least these reasons, the pending claims are not obvious over the cited references. Applicant earnestly solicits the Examiner for a Notice of Allowance.

I. Rejections Under § 103

Neither Terrier nor Shattil teach comparing first and second electromagnetic characteristics of a single radio-electrical signal received directly from the remote control as required by claims 8, 21, and 24, the independent claims. An examination of the language of the pending claims shows that Weinstein does not make up for the deficiencies of Terrier and Shattil for at least two reasons.

First, the comparison disclosed in Weinstein is not based on two electromagnetic characteristics of a received signal. Instead, Weinstein teaches comparing a total field vector strength B to predetermined parameters, a first threshold value T_1 and a second threshold value T_2 . Weinstein, col. 4, ll. 1-12. The field components B_x , B_y , and B_z are measured, but not compared, to calculate the total field vector, B .

Weinstein's first and second threshold values, T_1 and T_2 , are not characteristics of the received signal. They are internal parameters of the threshold detectors 32 and 33. See Weinstein, col. 5, ln. 66 – col. 6, ln. 3. An internal device parameter is not a characteristic of a received electromagnetic signal. Thus, Weinstein's comparison of the total field vector strength against an internal parameter is not the same as comparing

first and second electromagnetic characteristics of the received radio-electrical signal as in claims 8, 21, and 24.

Second, in determining the transmission zone, Weinstein requires calculating the square root of $(B_x)^2 + (B_y)^2 + (B_z)^2$, which is different than the calculations required in the pending claims. Claims 8, 21, and 24 require that “comparing the first characteristic to the second characteristic includes at least one of calculating a ratio based on the first and second characteristics and calculating a difference based on the first and second characteristics” to determine the distance from the remote control (i.e. near-field zone or far-field zone). However, nothing in Weinstein appears to teach, suggest, or disclose these calculations.

Indeed, the distance, r , between the receiver and transmitter in Weinstein is used to determine whether the transmitter is in a first zone or in a second zone. See Weinstein, col. 8, ln. 58 – col. 9, ln. 14. However, that distance, r , is calculated by taking the square root of the sum of the squared X, Y, and Z components. That is

$$r = \sqrt{[(B_x)^2 + (B_y)^2 + (B_z)^2]}$$

See Weinstein, col. 7, ll. 39-59. This is not tantamount to calculating a ratio or difference based on first and second electromagnetic characteristics.

For at least these reasons, applicant submits that the pending claims are not obvious over Terrier in view of Weinstein or over Terrier in view of Weinstein and further in view of Shattil. Therefore, applicant respectfully requests allowance of these claims.

II. Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and respectfully requests allowance of the application. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution hereof, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no

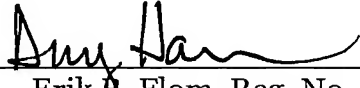
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proper amount be enclosed herewith, such as a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

Dated: November 30, 2009

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